



TOWN OF SALISBURY
Office of the BOARD OF APPEALS
5 BEACH ROAD
SALISBURY, MASSACHUSETTS 01952
978-462-7839
December 15th, 2015

Special Meeting

7:00 P.M.

MINUTES

Members Present:

Susan Pawlisheck, Derek DePetrillo, Beth Gandelman, Linda Tremblay, Kevin Henderson, Joseph Stucker

New Business

Case No. 15-19

**Greater Newburyport YWCA
29 Elm Street (Map 2 Lot 45)**

Request for a Special Permit: Comprehensive 40B to construct a 16 unit rental housing development.

Case No. 15-20

**Greater Newburyport YWCA
18 Maple Street (Map 6 Lot 38)**

Request for a Special Permit: Comprehensive 40B to construct 26 rental housing units.

Susan Pawlisheck, chairwoman, opens both cases at once as they are being heard as one case.

Attorney Lisa Mead, representing the Applicant, will address the legal criteria of each at a time. She hands out both a traffic memorandum and a study on the affordability needs of Salisbury.

Attorney John Goldrosen, town council, explains that "40b" refers to Chapter 40b of General Law. It was adopted to increase the supply of affordable housing and to decrease the regulatory barriers to affordable housing. The Zoning Board steps into the shoes of the other local boards to consider the project and issues any necessary waivers for the project. Statewide laws cannot be waived, but all other necessary permits under local laws can be issued. The projects must be considered by the regional need for subsidized housing, and the Zoning Board focuses on issues of safety, the environment, etc. The voting for a 40B is majority, not supermajority.

Attorney Mead has the members of the projects with her.

29 Elm Street

The proposal is to construct 16 housing units in structures. They will create 12 two bedrooms, 4 three bedrooms. The Applicant is a limited dividend housing organization because it is a 501C

nonprofit organization. They have a project legibility letter and site control. They have entered into a purchase of sale agreement with the Town of Salisbury. The town created a RFP, and this group won the raffle on it. There will be 32 parking spaces for the 16 housing units. There will be sidewalks for pedestrian access. They propose to connect to municipal water and sewer, which are provided at this site. This will have a nominal fee, and the applicant will pay for any hookup fees.

A portion of the property is adjacent to a property that the town has acquired for hazardous waste mitigation. That site will be closed off. The applicant will need to go to the Conservation Committee because of the presence of wetland, but no endangered or rare species exist there. The site has no archeological or historical significance. It is entirely residential except for one commercial business, Chris' Garage. The Fire Chief feels there is no public endangerment. There is also a fire hydrant near the site. The traffic memorandum shows that these projects will produce 10 or less cars during peak traffic hours thus having a nominal impact.

Mr. Eric Bodman, the engineer, discusses that the site design is so water drains from the front to the back rather than onto the street. There is an infiltration basin. An overflow will go into the wetlands in the back; this is a typical flood prevention design. The front of the lot is higher than the back and there is curving where the parking is. They will tie into the sewer line, which is adequate to support the project. Their dumpsters are located to the back of the site and are screened and on a concrete pad.

Susan Pawlisheck asks about traffic turning into the area. Mr. Bodman states they will stripe a lane, but there is no need to widen the road.

Mr. Jonathan Cocker, the architecture, explains that there are two buildings, which are mirrors of each other. They have attempted to provide colonial style architecture. There is one door into each building. This is allowed by Building Code. They will discuss this with the Building Inspector. The accessible units are on the first floor, so there is no need for an elevator.

Beth Gandelman asks how this is different from Section 8. Lisa Mead explains that these are 100% affordable and they are subsidized and built with low income tax credits. This is about the building being affordable, not about how one pays for it.

It is exempt from inclusionary housing and subdivisions as they apply.

In the Town of Salisbury, the percentage of subsidized housing is 8.9% as of an update from December 2014. 10% is the standard set by the Commonwealth; because Salisbury has less than that, there is a presumed need. 100% of the units will be affordable thus meeting that need. Beth asks about mobile homes as affordable housing. John Goldrosen explains that to be considered affordable, there must be restrictions on who can rent, and the property must be subsidized. Susan Pawlisheck asks about the more recent number on subsidized housing. Lisa Pearson will accumulate this information for the next meeting. This project will produce rents that are

affordable. Section 8 is based upon what those who live in Salisbury at 80% of median income whereas this project is even lower than that.

Attorney Mead explains that 39% of Salisbury is severely cost burdened with those individuals spending more than 30% of their gross income on housing. The state average is 29%.

Attorney Mead suggests a condition that the Board have a preference for the residents of Salisbury. Susan asks why there would only be a few units. DHCD had 10-25% listed for local preference requirement. That is 11 units. The housing is designed to provide to the entire Commonwealth. Attorney John Goldrosen explains that the burden of proof remains on the community to prove that they will not discriminate against others who want to enter the community. Beth Gandelman asks if they would need to take New Hampshire residents because they are Border States. Lisa Pearson believes they only need to qualify. Everyone can apply, and the entirety of the community could be from Salisbury, for example, if that is the group of people who apply. Both of these properties are not being taxed currently, so the taxes would reenter the system and be taxed. Attorney Lisa Mead explains that the management unit will be paying taxes on the properties. She will provide this information to the Board.

They will also be applying with Conservation Committee because of the wetlands.

Project has received letter of eligibility and approval through the DHC. Attorney Mead explains that they are asking for a waiver for use as it is a multifamily unit, waiver for front setback of 50' where 12.45' is provided, side setback of 20' required where 12.9' is provided, exemption from exclusionary housing bylaws, and exemption from exclusionary housing rules as they apply.

18 Maple St

Attorney Mead explains that this proposal is a 26 apartment units request with 11 one bedrooms, 12 two bedroom units, 1 three bedroom unit, 2 studio units, and 32 parking units.

There are no wetland resources on this property.

The Spaulding Building is a historic structure and will be rehabilitated as part of this project. The town systems, including water and sewage, are sufficient to support this project.

Mr. Bodman explains that the street-facing side of the property will be seeded to drain storm water. The details are not entirely worked out yet. They need to meet the DEP's approval on this project.

Mr. Cocker explains that when they add onto the building, they will add a two-sided elevator for accessibility. There are four units on each side of the addition. They are using materials to match the Spaulding Building, and they are leaving all historic pieces there.

Beth Gandelman asks about a number of units that will be handicap accessible. Mr. Cocker explains that there will be four total.

They are requesting a use waiver, lot area square footage waiver, frontage waiver, side setback of 0" where 20" required, lot coverage waiver 26.4% given where 25% required, parking number required 2 per unit required with 1.2 provided.

The Spaulding Building is connected to the Memorial Building but the Spaulding Building is entirely shut down and Greater Newburyport YWCA did not purchase the Memorial Building.

Kevin Henderson asks about the number of required parking units. Attorney Mead explains that because of the number of bedrooms, the estimated amount of needed parking spots is 29. There is an average of 1.5 bedrooms per unit rather than 2 or 3. There is public parking on the street, but he wonders how this will affect the neighborhood. Susan Pawlisheck also is concerned about the parking. Derek DePetrillo is also concerned because the parking spots is for both guests and residents, so it may affect the parking of the residents. There will be onsite management on the third floor to manage this and other potential issues.

Mr. Jerry Klima, chairman of the Salisbury Affordable Housing Trust, explains that there was an attempt to rehabilitate the Spaulding Building that never went through. This was the best proposal that they received. The agency is local, and their proposal to the building's appearance was in the cadence of the neighborhood. They greatly support the project, but they want financial aspects looked into by the Board.

Lisa Pearson explains that the Town of Salisbury can review this and give their perspective to the Board.

ABUTTERS

Mr. Eric Meese, 5 Parks Street, is concerned about the traffic. Susan Pawlisheck explains that they will have a peer review. Lisa Pearson explains that someone will be reviewing the information provided by the applicant for validity. He wants to know if this was a study. Attorney Mead explains that this is based upon the use analysis and mathematical formula. There have been counts done. He also wants to know about parking. He wants to see due diligence about what will affect the neighborhood. He also questions the lighting and traffic and their potential impact on his property. He asks about the benefit of having affordable housing. Susan explains that the benefit could lie in meeting Salisbury residences' needs. After the need assessment is done, they will be able to determine the needs of the community. Kevin Henderson shares his concern that this may not directly benefit Salisbury residents. When the library was put in, there were trucks parked on Mr. Meese's street and they started working very early. He also asks about having a limit on weekend hours.

Joseph Stucker explains from an anecdotal point of view that there is a huge need for housing in Salisbury to provide options to those who want to come into the town. Attorney Mead agrees that there is a need from the perspective of each town needing to provide 10% affordable housing. The application has a presumption of need for this reason.

Ms. Jen Figueredo, 12 Mudnock Road, is concerned about the cleanup and the safety of children. She asks about a fence between the two properties to protect the children in her care. She also is concerned about having only one door of accessibility on these units. Elm Street is only required to have one exit, but this will be decided on the Building License.

Mr. George Jacobs, 7 Maple Street, is concerned about the traffic and the minimum parking places. Because of the slated roof, snow will also slide off and potentially hurt someone.

Mr. Mark Whitmore, 6 Maple Street, is also concerned about parking and traffic. This is a high water table, and their house is subject to basement flooding. Impervious land coverage could exacerbate their flooding risk. The filtration unit will also be in the corner that abuts his property. He wants to know where the snow will be housed. He questions lighting and noise because the parking lot abuts his house directly.

Mr. Tom Pees, 31 Ferry Road, wants to support the project and the image of the town.

Ms. Lisa Harrington, works at the YWCA, supports the project as well.

Mrs. Rebecca Taylor, 31 Ferry Road, believes this project is very much needed to help those who are vulnerable.

The next available meeting is January 12th, 2016.

Derek DePetrillo makes a motion to continue to January 12th, 2016. Kevin Henderson seconds. Beth Gandelman, Linda Tremblay, Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes. Cases 15-19 and 15-20 are continued to January 12th, 2016.

Minutes

November 24th, 2015

Kevin Henderson motions to accept the minutes. Derek DePetrillo seconds. Joseph Stucker, Linda Tremblay, Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes.

Correspondence

The Board received a letter regarding Laura and Steven Pelletier's Special Permit. This was already approved by the Board and is still undergoing its 20 day appeal period.

Adjourn

Kevin Henderson motions to adjourn. Beth Gandelman seconds. Linda Tremblay, Derek DePetrillo, Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes. Meeting is adjourned.

Date: _____

Susan Pawlisheck—Chairperson

Derek DePetrillo – Clerk

Kevin Henderson

Beth Gandelman

Linda Tremblay

Joseph Stucker

Respectfully submitted by Catherine Scott

Catherine Scott

Date